

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 217.6, the Department of Human Services proposes to amend Chapter 176, “Dependent Adult Abuse,” Iowa Administrative Code.

The proposed amendments:

- Add a new definition of “at-risk adult” which applies to the dependent adult’s need for continued monitoring and services.
- Update procedures for storing the Department’s report on the evaluation or assessment, as a result of the implementation of a new data system for dependent adult abuse information.
- Add procedures for referrals to other agencies, safety plans, and periodic visits.
- Require two new forms, a uniform assessment tool and a safety plan, to assist the Department in making more thorough assessments of dependency and risk for all alleged victims of abuse and to enhance the safety of at-risk adults.

These amendments do not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before September 14, 2010. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement 2009 Iowa Code Supplement section 235B.16A.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definition of “At-risk adult” in rule **441—176.1(235B)**:

“*At-risk adult*” means an adult who, because of a significant impairment due to a physical or mental disability or both, is unable to meet essential daily needs without assistance and whose personal health or safety is at risk due to such impairments, the environment, substance abuse problems, a lack of services or social supports, a refusal to accept services, or other risk factors identified through an assessment.

ITEM 2. Amend subrules 176.6(5) and 176.6(6) as follows:

176.6(5) Completion of evaluation or assessment report. Upon completion of its evaluation or assessment, the department shall complete a report that describes its findings and includes all actions taken or contemplated.

a. The department, ~~upon completion of its evaluation,~~ shall ~~transmit a copy of complete~~ its report, ~~including actions taken or contemplated, to the registry~~ within 20 working days of the receipt of the abuse report ~~allegations~~, unless the worker’s supervisor grants an extension of time for good cause shown. The worker’s supervisor may grant an extension for a maximum of 30 working days. No more than three extensions shall be granted.

b. Upon completion of an evaluation, the department shall enter its report into the system on dependent adults (SODA).

c. ~~The department, upon~~ Upon completion of its ~~an~~ assessment ~~in reports~~ when the alleged abuse is the result of the acts or omissions of the dependent adult, the department shall place the report, ~~including actions taken or contemplated,~~ in the case file of the dependent adult and on SODA. ~~The central registry shall be notified as to the disposition of the assessment.~~

176.6(6) *Report to county attorney.* The department shall ~~also~~ transmit a copy of the report of its evaluation or assessment to the appropriate county attorney. The county attorney shall notify the ~~county~~ local office of the department of any actions or contemplated actions with respect to a suspected case of adult abuse.

ITEM 3. Adopt the following new subrules 176.6(13) to 176.6(15):

176.6(13) *Referrals to other agencies.* During an assessment or evaluation of suspected abuse of a dependent adult, the department shall:

a. Make a referral to the division of labor services of the department of workforce development if an issue is discovered that concerns wages, workplace safety, or labor and employment matters under the jurisdiction of that agency.

b. Make a referral to the civil rights commission if an issue is discovered that involves discrimination under the jurisdiction of that agency.

176.6(14) *Assessment of dependency and risk.* After the first visit to a dependent adult who is alleged to be abused, the department shall complete an assessment of the adult using Form 470-3246, Dependent Adult Assessment Tool. The department shall assess:

a. The adult's dependency,

b. The risk to the adult's health or safety, and

c. The areas in which the adult is either dependent or independent.

176.6(15) *Follow-up for at-risk adults.* When it has not been possible or necessary to obtain a court order for services to an at-risk adult, the department shall attempt to persuade the at-risk adult to agree to accept services and to participate in preparing a safety plan. If the adult refuses to sign Form 470-4835, Safety Plan for At-Risk Adult, and to accept services, the department shall provide periodic visits.

a. *Purpose.* The purpose of the visits shall be to:

(1) Assess the adult for increased risk or impairment,

(2) Monitor the adult's situation to determine the feasibility of intervening with protective services, and

(3) Persuade the adult to accept services and to sign Form 470-4835, Safety Plan for At-Risk Adult.

b. *Exemption.* If it has been determined there is a physical threat to the safety of the department employee who is attempting to visit an at-risk adult, the department shall not attempt a periodic visit unless the physical threat to safety has been removed.

c. *Criteria to continue visits.* Periodic visits shall continue if:

(1) The adult's health or safety has deteriorated somewhat but not to the point that a court order is necessary; or

(2) The adult's health or safety has remained the same and there is a possibility the adult may in the future agree to services and to participating in preparing a safety plan.

d. *Criteria to end visits.* Periodic visits shall be terminated when:

(1) The adult agrees to services and services are arranged; or

(2) The adult's health or safety has deteriorated to the point that the department has requested court action pursuant to subrule 176.6(8); or

(3) The adult's health or safety has not changed six months after the initial report of alleged abuse; there appears no possibility the adult will ever agree to services; and the adult is competent to make decisions.